



**In the High Court of Justice
Queens Bench Division
Administrative Court**

CO Ref: CO/11634/2011

In the matter of an application for Judicial Review

The Queen on the application of

UK2 TELECOM LTD

versus

INDEPENDENT REVIEWER

20 AUG 2012

On the application for an order as to costs

Following consideration of the documents lodged by the parties

Order by the Honourable Mrs Justice Dobbs

The defendant is to pay the claimants costs of the proceedings from the preparation of the letter before claim dated 19th October 2011 and up to and including the recent submissions on costs, to be taxed if not agreed.

Observations:

- 1) The proceedings were properly brought and the claim had a good prospect of success.
- 2) The Claimant complied with the pre-action protocol.
- 3) The Claimant obtained the remedy sought.
- 4) Whilst the Defendant has properly effectively conceded the Claim, his response to the first pre-action protocol letter was inadequate.
- 5) The Claim was originally contested in the AoS.
- 6) The Defendant's overall conduct (including delay in responses and lack of awareness of relevant rule) was wanting.

Signed:

Date:

Where permission to apply has been granted, claimants and their legal advisers are reminded of their obligation to reconsider the merits of their application in the light of the defendant's evidence.

Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendant's, and any interested party's solicitors on (date):

16 AUG 2012